

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Final Official Action, the Examiner now combines the Chang reference (previously cited against claim 6) with the Takahashi reference to reject new claims 7-12 (added in the previous response). Specifically, the Examiner now rejects claims 7-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,791,601 to Chang et al., (hereinafter "Chang") in view of U.S. Patent No. 5,061,994 to Takahashi (hereinafter "Takahashi").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

The Examiner argues that Chang discloses all of the features of the claims with the exception of the state change recording unit, for which he cites Takahashi. The Applicant respectfully disagrees with the Examiner's reading of at least the Chang reference.

Firstly, the Examiner continues to argue that Chang discloses first and second medical devices. The Examiner points to the flexible light source (7) at column 1 of Chang as disclosing the second medical device. The flexible light source works together with the scope (2) disclosed in Chang to supply the same with illuminating light and is not a second medical device used for a second medical action as is recited in claim 7. Thus, the flexible light source 7 of Chang is for illuminating within the body for performing observation with the scope 2. The Applicant respectfully submits that the term "medical device" as recited in claim 7 must be interpreted as disclosed in the specification<sup>1</sup> and therefore cannot include a peripheral device such as a light source but must be a device used for a medical action on the

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<sup>1</sup> The specification is always highly relevant to the construction of claim terms and is usually dispositive. Phillips v. AWH Corp., 415 F.3d 1303, 1327 (Fed. Cir. 2005) citing Vitronics Corp. v. Conception, Inc., 90 F.3d 1576, 1582 (Fed. Cir. 1996).

body. Thus, the flexible light source 7 of Chang can only be considered an accessory to the first (and only) medical device (the scope 2) used for the corresponding medical action.

Secondly, the Examiner argues that Chang discloses the display control unit, citing Figures 8-11 of Chang. The Applicant respectfully disagrees and submits that Chang does not contain any description of the display control unit in either Figures 8-11 of Chang or in the accompanying description in the specification of Chang. Figures 8-11 of Chang merely describe a user interface for a user (such as a physician) to enter data corresponding to images, such as the patient name, patient details and procedure details (see column 7, lines 26-35). The state change recording unit displays the past state change information so as to match the played image when playing the image. As a matter of course, without the state change recording unit to record the state change information, it is not possible to display later at the time of displaying.

Furthermore, since the Examiner admits that Chang does not disclose the state change recording unit, the Applicant does not see how Chang can disclose the display control unit which relates the image recording start time to the time of occurrence of the change in state recorded in the state change recording unit.

Lastly, with regard to Takahashi, the same teaches a state sensing means, which outputs a signal representing the state of a recording medium. Thus, such state sensing means records a state of the recording medium, not information of a change in state. Specifically, Takahashi discloses a technique concerning detection of the recording state. This is similar to "the recording start time" recorded to the recording means as disclosed in the present application. However, a characteristic feature resides in that the "state change information of each medical device" is recorded in the state change recording means, and two

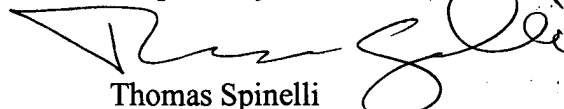
kinds of different data, e.g., the recording state information of the image recording and the state change information of the medical device, are related.

In contrast to this, neither Chang nor Takahashi discloses or suggests recording and displaying the state change information as disclosed in the present application. Hence, neither Chang nor Takahashi discloses or suggests relating two kinds of data, such as those discussed above.

Therefore, independent claim 7 is not rendered obvious by the cited references because neither the Chang patent nor the Takahashi patent, whether taken alone or in combination, teach or suggest a medical system having the features discussed above. Accordingly, claim 7 patentably distinguishes over the prior art and is allowable. Claims 2-12 being dependent upon claim 7 are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 7-12 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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